

1 Derek W. Loeser (admitted *pro hac vice*)
2 KELLER ROHRBACK L.L.P.
3 1201 Third Avenue, Suite 3200
4 Seattle, WA 98101
5 Tel.: (206) 623-1900
6 Fax: (206) 623-3384
7 dloeser@kellerrohrback.com

Lesley Weaver (Cal. Bar No.191305)
BLEICHMAR FONTI & AULD LLP
555 12th Street, Suite 1600
Oakland, CA 94607
Tel.: (415) 445-4003
Fax: (415) 445-4020
lweaver@bfalaw.com

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6 *Plaintiffs' Co-Lead Counsel*

7 *Additional counsel listed on signature page*

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 IN RE: FACEBOOK, INC. CONSUMER
13 PRIVACY USER PROFILE LITIGATION

14 MDL No. 2843
15 Case No. 18-md-02843-VC-JSC

16 This document relates to:
17

18 ALL ACTIONS
19

**DECLARATION OF LESLEY E. WEAVER
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE MOTION TO STRIKE
DEFENDANT FACEBOOK, INC.'S
NOTICES OF APPEAL (Dkt. Nos. 778, 780,
782)**

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21 Judge: Hon. Vince Chhabria and
22 Hon. Jacqueline Scott Corley
23 Courtroom: 4, 17th Floor
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DECLARATION OF LESLEY E. WEAVER

I, Lesley E. Weaver, hereby declare under the penalty of perjury:

1. I am Partner-in-Charge of the California office of Bleichmar Fonti & Auld LLP, head of its consumer and antitrust practice, and Co-Lead counsel to plaintiffs in *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, No. 18-md-02843-VC-JSC (N.D. Cal.). I am a member in good standing of the bar of the State of California and of the United States District Court for the Northern District of California.

2. This declaration is made upon personal knowledge in support of Plaintiffs' Administrative Motion for Leave to File Motion to Strike Defendant Facebook, Inc.'s Notices of Appeal (Dkt. Nos. 778, 780, 782).

3. On December 16, 2021, Facebook’s counsel proposed a “détente” time over the holidays in order that the parties might have a period of abatement. Through the mediator Judge Andler, the parties agreed that from the time period December 23 through January 2, 2022, the parties would forebear from communicating.

4. Late on the evening of December 23, 2021, Facebook filed three Notices of Appeal to rulings by Special Master Garrie. Dkt. Nos. 778, 780, 782. These Notices each violate the express limitations of the appellate procedure set forth in Judge Chhabria's Special Master Order (Dkt. No. 709).

5. In the spirit of the détente agreement, had Facebook sought an extension of the timeline to file such notices, Plaintiffs would have agreed. Facebook did not do so.

6. Because there is no procedural mechanism by which to respond to defective notices, Plaintiffs determined that the best approach was to seek to strike the Notices if Facebook would not agree to amend them to conform with the Special Master’s Order. Further, given the delays in implementing discovery rulings that have already accrued, the regular 35 day briefing schedule on Plaintiffs’ Motion to Strike could compound impeding the progress of discovery. Plaintiffs elected to bring a motion to shorten time pursuant to Civil Local Rule 7-11 on the motion to strike, if the parties could not agree.

7. Local Rule 7-11 requires that a party seeing administrative relief confer with opposing counsel to see if a stipulation granting the relief sought can be obtained.

8. Conscious of the détente which the parties had agreed to and Plaintiffs had otherwise honored, Plaintiffs waited until the first business day following Facebook’s filing, December 27, 2021, to raise this issue. On December 27, 2021, I emailed Facebook’s counsel, copying Judge Andler and Special Master Garrie, to ask if Facebook would agree either to withdraw and amend the Notices to conform with the Court’s order, or agree that Plaintiffs’ Motion to Strike might be heard on shortened time. Later that afternoon, Facebook’s counsel replied that it would do neither.

9. Attached hereto as *Exhibit A* is a true and correct copy of Plaintiffs' Notice of Motion and Motion to Strike Defendant Facebook, Inc.'s Notices of Appeal (Dkt. Nos. 778, 780, 782).

10. Attached hereto as ***Exhibit B*** is a true and correct copy of a [proposed] Order Granting Plaintiffs' Motion to Strike Defendant Facebook, Inc.'s Notices of Appeal (Dkt. Nos. 778, 780, 782).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 27th day of December 2021, in Palm Springs, California.

By: /s/ Lesley E. Weaver
Lesley E. Weaver